

From: bragiole@bellsouth.net
To: lovethatbob@aol.com
Sent: 4/16/2011 2:59:02 P.M. Eastern Daylight Time
Subj: (no subject)

Warning Citation

February 10, 2011

The purpose of this Warning Citation is to document a formal, written warning that is being issued to Bob Foreman III for several instances of misconduct, including two separate incidents in which he attempted to enter the Fox without permission and when he has not working, a voice mail that he left for a member of the Atlanta Landmarks Board of Trustees in which he told the trustee to "FU", and derogatory comments that he posted about various members of Fox management and the Atlanta Landmarks Board . If Mr. Foreman engages in any such conduct in the future, he will be subject to additional discipline, including but not limited to immediate discharge from a call and rejection from future calls to work at the Fox Theatre.

Employee Signature

Production Manager Signature

Business Agent Signature

XX

To: David Fedack, Business Agent Local 927

From: Amy M. Smith

CC: Rebecca Graham, Stephen Jones, Adina Erwin, Allan Vella, Steve Ensor

Date: Thursday February 10, 2011

Re: Bob Foreman –“Sugarland” - FOX response to Grievance

The purpose of this memorandum is to set forth the terms under which the Fox will agree to resolve both the above-referenced grievance as well as the conditions under which the Fox will accept Bob Forman III for referrals in the future. First, the Fox agrees to pay Local 927 the amount of \$271.51 in order to settle the grievance filed by the union following Mr. Foreman’s dismissal from the “Sugarland” load-in call on October 19, 2010. This amount represents a total of 8 ½ hours of pay: 3 ½ hours of pay for the load-in that Mr. Foreman did not receive after he was dismissed and 5 hours of pay for the load-out. As you know, Mr. Foreman has already been paid a four-hour minimum for that portion of the load-in which he worked. Second, in order to be considered for future calls, Mr. Foreman and the union will be required to sign the attached “Warning Citation”. This written warning is being issued based upon several instances of misconduct by Mr. Foreman, including two separate incidents in which he attempted to enter the Fox without permission and when he was not working, a voice mail that he left for a member of the Atlanta Landmarks Board of Trustees in which he told the gentleman to “FU”, and any number of derogatory and defamatory comments that he publicly posted about various members of Fox management and the Atlanta Landmarks Board. If Mr. Foreman does not agree to sign the attached Warning Citation and abstain from such misconduct in the future, he will not be accepted for future calls. And, of course, even if Mr. Foreman does sign the attached Warning Citation, he will be subject to the terms of the collective bargaining agreement and the Fox’s work rules and policies in the future.

Amy M. Smith

Production Manager

The Fox Theatre

XX

XXXXX

Peter J.Cocchiere

President

IATSE Local 927

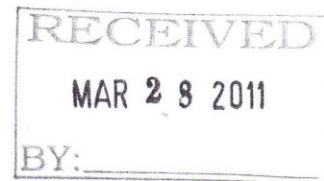
404 316-8348

President@IATSElocal927.US



THE FOX THEATRE

To: David Fedack, Business Agent Local 927
From: Rebecca J. Graham
CC: Stephen Jones, Adina Erwin, Allan Vella, Steve Ensor
Date: Thursday March 24, 2011
Re: Bob Foreman – "Sugarland" – monetary settlement



In order to settle the above referenced monetary grievance, enclosed is a check for Mr. Foreman in the amount of \$271.51. This amount represents a total of 8 ½ hours of pay: 3 ½ hours of pay for the load-in that Mr. Foreman did not receive after he was dismissed and 5 hours of pay for the load-out. As you know, Mr. Foreman has already been paid a four-hour minimum for that portion of the load-in which he worked.

It should be clearly understood that the Fox's agreement to pay the amount described above is solely for the purpose of settling the monetary grievance and cannot be used to suggest or establish a practice between the parties. The parties further agree that this settlement will not be considered as precedent in any subsequent grievance should this situation arise again in the future.

Rebecca J. Graham

Assistant Production Manager

The Fox Theatre

County of Fulton
State of Georgia

Case 10-CA-38917

CONFIDENTIAL WITNESS AFFIDAVIT

I, Robert Langdon Foreman III, being duly sworn upon my oath, hereby states as follows:

I have been given assurances by an agent of the National Labor Relations Board that this Confidential Witness Affidavit will be considered confidential by the United States Government and will not be disclosed unless it becomes necessary for the government to produce the affidavit in connection with a formal proceeding.

1 My address is 826 Barnett St., Atlanta, GA 30306

2

3 My telephone number is 404-607-8745. My email address is lovethatbob@aol.com.

4

I am employed by Atlanta Landmark, Inc. d/b/a The Fox Theatre located at 660 Peachtree Street, Atlanta, GA

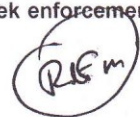
I began working as a union stagehand on April 30, 2007 on a part time/on-call basis until I was appointed Steward by the Union on April 13, 2008. I worked on 40 different attractions until November 16, 2008, which I quit.

The Union and the Employer have a collective bargaining agreement, which I have provided to the under signed Board agent.

On August 11, 2010, the Fox attempted to evict Joe Patten from his apartment at the Fox. On August 25, 2010, my father, Robert Foreman, Jr., who is on the Employer's board, the Atlanta Landmark Board of Trustees, wrote a letter to the Board protesting the Board's attempt to evict Mr. Patten. On August 27, 2010, the AJC published an article about the eviction attempt. On August 30, 2010, the Board voted to evict Mr. Patten.

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further an unfair labor practice or representation case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



A Facebook Fan Page, "Save Joe, the Phantom of the Fox," was created. I did not create it. The purpose of the page was to save Patten from being evicted. From September 1, 2010 until on or about January 2011, I commented on this page. However, I have since erased all of my comments. I do have copies of my comments but I do not wish to provide them. These comments had nothing to do with my wages or working conditions or the wages or working conditions of other employees.

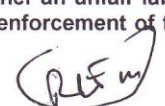
On or about October 19, 2010, I was called to a job at the Fox. I worked for 2 ½ hours. David Fedack, Business Agent, was steward at the Fox that day. Fox Production Manager Amy Smith asked Fedack to remove me. Fedack told me that Smith wanted me off of the call and out of the building. He said they will pay me the four hour minimum. I asked if I should stay until 4:00 PM. He said no, they wanted me to leave now. I left.

I Called Fedack and Peter Cocchiere, President of the Local, about the matter and they said they were going to file a grievance. On October 25, 2010, I went to the hall to read and review the draft grievance. While I was at the hall, Smith faxed a memo, which I have provided to the undersigned Board agent. The Union filed a grievance that same day, which I have provided to the undersigned Board agent.

The Union and Management met on this grievance on or about 5 or 6 occasions. I was not present at these meetings but the Union informed me that they occurred. I have provided to the undersigned Board agent a correspondence dated February 10, 2011, sent to the Union setting forth a settlement. I did not accept this settlement. The union did

PRIVACY ACT STATEMENT

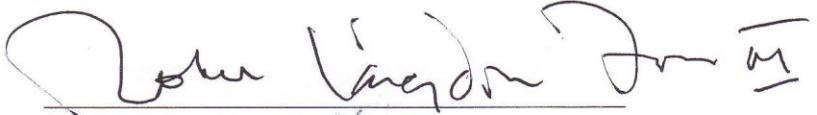
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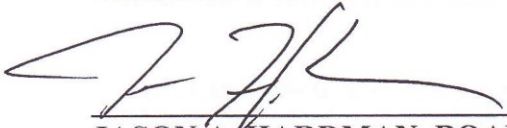
not accept the settlement. I do not know at what step the grievance is at. The Union should have this information.

1
2 I am being provided a copy of this Confidential Witness Affidavit for my
3 review. If, after later reviewing this affidavit, I remember additional relevant
4 information, or if I desire to make any changes, I will immediately notify the Board
5 agent. I understand that this affidavit is a confidential law enforcement record and
6 should not be shown to any person other than my attorney or other person
7 representing me in this proceeding.
8

I have read this statement consisting of (3) pages, including this page, I fully understand its contents, and I state under penalty of perjury that the foregoing is true and correct.


Robert Langdon Forman III

SUBSCRIBED AND SWORN TO
BEFORE THE BOARD AGENT
IN ATLANTA, GEORGIA
THIS 20th DAY OF APRIL 2011.


JASON A. HARDMAN, BOARD AGENT

PRIVACY ACT STATEMENT

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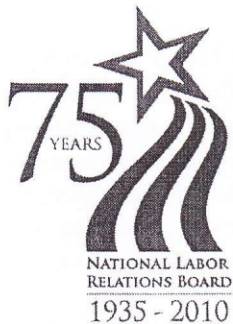
UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 10
233 PEACHTREE STREET, N.E.
HARRIS TOWER, SUITE 1000
ATLANTA, GA 30303-1531
An Equal Opportunity Employer
OFFICIAL BUSINESS

Mr. Robert L. Foreman, III
826 Barnett Street
Atlanta, GA 30306



UNITED STATES POSTAGE
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United States Government

NATIONAL LABOR RELATIONS BOARD

Region 10

233 Peachtree Street, N.E.

Harris Tower – Suite 1000

Atlanta, Georgia 30303-1531

Telephone: (404) 331-2896

Fax: (404) 331-2858 Email: NLRBRegion10@nlrb.gov

RECEIVED

4/16/2011

April 14, 2011

Mr. Allan C. Vella
General Manager
Atlanta Landmarks, Inc. d/b/a The Fox Theatre
660 Peachtree Street
Atlanta, GA 30308

Re: Atlanta Landmarks, Inc. d/b/a The Fox Theatre
Case No. 10-CA-38922

Board Agent: Jason A. Hardman
Telephone: (404) 331-2888
Email address: Jason.Hardman@nlrb.gov

Supervisor: Lisa Y. Henderson
Telephone: (404) 331-2889

To Whom It May Concern:

A charge has been filed with this office alleging that you have engaged in, and are engaging in, unfair labor practices within the meaning of the National Labor Relations Act, as amended. A copy of the charge is herewith served upon you.

This case has been assigned for investigation to the Board agent shown above. When the Board agent solicits relevant evidence from you or your counsel, I request and strongly urge you or your counsel to promptly present to the Board agent any and all evidence relevant to the investigation. It is my view that a refusal to fully cooperate during the investigation may cause a case to be litigated unnecessarily. Full and complete cooperation includes, where relevant, timely providing all material witnesses under your control to the Board agent so that witnesses' statements may be reduced to affidavit form and providing all relevant documentary evidence requested by the Board agent. Other statements of witnesses and any other evidence in support of a party's position may also be submitted. I would appreciate receiving from you promptly a full and complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge. The submission of a position letter or memorandum, or the submission of affidavits not taken by a Board agent, does not constitute full and complete cooperation. Further, please be advised that we cannot accept any limitation on the use of any evidence or position statements that are provided to the agency. Thus any claim of confidentiality cannot be honored except as provided by Exemption 4 of the FOIA, 5 U.S.C. § 552(b)(4), and any material submitted might be subject to introduction as evidence at any hearing that may be held before an administrative law judge. In this regard, we are required by the Federal Records Act to keep copies of documents used in furtherance of our investigation for some period of years after a case closes. Further, we may be required by the Freedom of Information Act to disclose such records upon request, absent some applicable exemption such as those that protect confidential financial information or personal privacy interests (e.g., Exemption 4 of FOIA, 5 U.S.C. § 555(b)(4)). Accordingly, we will not honor any request to place limitations on our use of position statement or evidence beyond those prescribed by the foregoing laws, regulations and policies.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. Enclosed is a copy of Form NLRB-4541 pertaining to our investigative and voluntary adjustment procedures and the right of any party to be represented by counsel or other representative. A Notice of Appearance, Form NLRB-4701; and a Notice of Designation of Representative as Agent for Service of Documents, Form NLRB-4813; are also enclosed for your use in the event you choose to have a representative appear on your behalf. Please note that your designated representative may execute NLRB Form 4701, but that NLRB Form 4813 will not be honored unless it is signed by you as a party.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions be subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

The National Labor Relations Board will provide assistance to parties with limited English proficiency. If parties are in need of assistance due to their limited English proficiency, they should advise this Office as promptly as possible.¹

Your cooperation with this office is invited so that all of the facts and the positions of the parties may be considered.

Very truly yours,

/s/ Martin M. Arlook

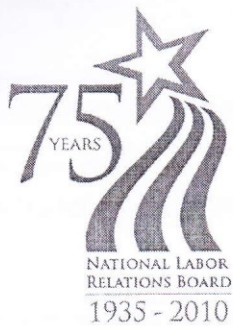
Martin M. Arlook
Regional Director

Enclosures

cc:

Mr. Robert L. Foreman, III
826 Barnett Street
Atlanta, GA 30306

¹ La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si usted necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 10

233 Peachtree Street, N.E.

Peachtree Center, Harris Tower – Suite 1000

Atlanta, Georgia 30303

Telephone: (404) 331-2896

Fax: (404) 331-2858 Email: NLRBRegion10@nlrb.gov

April 14, 2011

Mr. Robert L. Foreman, III
826 Barnett Street
Atlanta, GA 30306

Agent: Jason A. Hardman

Direct Phone: (404)331-2888

Email address: Jason.Hardman@nlrb.gov

Re: Atlanta Landmarks, Inc. d/b/a The Fox Theatre
10-CA-38922

Dear Sir or Madam:

We have received and docketed the above-referenced unfair labor practice charge you recently filed with this office. A copy of the charge and a letter sent to the charged party are enclosed for your reference. Please review that letter carefully as much of the information provided also pertains to you. The name, phone number and e-mail address of the Board Agent assigned to your case, are listed above.

As the Charging Party, it is your responsibility to supply promptly any evidence you have in your possession regarding this matter. Accordingly, if you are not contacted by the investigating agent within 5 days of the date of this letter, please call the assigned Board Agent to schedule a meeting to give a sworn statement, or present witnesses who will give sworn statements, and to otherwise present your evidence in support of the charge on or before **April 22, 2011**. If you are unable to meet with the Board Agent and otherwise provide necessary evidence prior to that date, absent good cause shown, you should withdraw the charge and refile it when you are able to more timely proceed with the investigation. Please note that section 10(b) of the Act prohibits issuance of a complaint based on any unfair labor practice charge which occurs more than 6 months prior to the filing and service of a charge. Please contact the Board Agent without delay if problems arise that could affect the timely receipt of your evidence or if you have other questions concerning your charge.

Also, without delay, and to the extent you can, please provide contact information prior to your meeting with the Board Agent, including names, titles, addresses, and telephone numbers for any other witnesses or sources you believe may have evidence about the case. In addition to the contact information, please prepare a short summary of the evidence you believe each witness or source will provide. To assure that all of your evidence is considered, always write the case name and number on documents that you submit to us.

We look forward to working with you during this investigation. Please note, however, that a failure to timely cooperate in the investigation of the case may lead to its dismissal without further notice.

Very truly yours,

/s/ Martin M. Arlook

Martin M. Arlook
Regional Director

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

10-CA-38922

Date Filed

4-13-11

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

ATLANTA LANDMARKS, INC. d/b/a THE FOX THEATRE

b. Tel. No. (404) 881-7777

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

660 PEACHTREE ST.
ATLANTA, GA 30308

e. Employer Representative

ALLAN C. VELLA
GENERAL MANAGER

g. e-Mail

ALLAN.VELLA@FOXTHEAT.

h. Number of workers employed
100+i. Type of Establishment (factory, mine, wholesaler, etc.)
THEATREj. Identify principal product or service
PRESENTATION OF STAGE ATTRACTIONS

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (i) and (iii) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

UNKNOWN

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

I am a union stagehand, and on October 18, 2010, I was "removed" from a work call and either fired or suspended by the Fox Theatre for reasons that were not related to work and in violation of my Constitutional right of free speech, which is protected in the Collective Bargaining Agreement between IATSE Local 927 (stagehands) and Atlanta Landmarks, Inc. d/b/a The Fox Theatre.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

ROBERT L. "BOB" FOREMAN, III

4a. Address (Street and number, city, state, and ZIP code)

826 BARNETT ST.
ATLANTA, GA 30306

4b. Tel. No. (404) 607-8745

4c. Cell No.

4d. Fax No.

4e. e-Mail

LOVETHATBOB@AOL.COM

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) NOT APPLICABLE

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

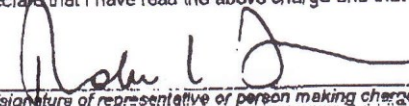
Tel. No. (404) 607-8745

Office, if any, Cell No.

Fax No.

e-Mail

LOVETHATBOB@AOL.COM

By 
(signature of representative or person making charge)

ROBERT L. FOREMAN

(Print name and title or office, if any)

4/12/2011

(date)

Address 826 BARNETT ST. ATLANTA, GA. 30306

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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NATIONAL LABOR RELATIONS BOARD

NOTICE: PARTIES INVOLVED IN AN INVESTIGATION OF AN UNFAIR LABOR PRACTICE CHARGE SHOULD BE AWARE OF THE FOLLOWING PROCEDURES:

Right to be represented by counsel – Any party has the right to be represented by counsel or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you wish to have a representative appear on your behalf, please have your representative complete Form NLRB-4701, Notice of Appearance, and forward it to the respective regional office as soon as counsel is chosen.

Designation of representative as agent for service of documents – In the event you choose to have a representative appear on your behalf, you may also, if you so desire, use Form NLRB-4813 to designate that representative as your agent to receive exclusive service on your behalf of all formal documents and written communications in the proceeding, excepting charges and amended charges, and further excepting subpoenas which are served on the person to whom they are addressed. If this form is not filed, both you and your representative will receive copies of all formal documents, including complaints, orders, and decisions. If it is filed, copies will be served only on your representative, and that service will be considered service on you under the statute. The designation, once filed, shall remain valid unless a written revocation is filed with the Regional Director.

Impartial investigation to determine whether charge has merit – Immediately upon receipt of a charge, the regional office conducts an impartial investigation to obtain all the facts which are material and relevant to the charge. In order to determine whether the charge has merit, the Region interviews the available witnesses. Your active cooperation in making witnesses available and stating your position will be most helpful to the Region.

The Region seeks evidence from all parties. Naturally, if only the charging party cooperates in the investigation, a situation results whereby the evidence presented by the charging party may warrant the issuance of a complaint, in the absence of any explanation from the party charged with having violated the law. Where evidence of meritorious defenses is made available a number of cases are withdrawn or dismissed. Your active cooperation will result in disposing of the case at the earliest possible time, whether the case has merit or not.

If the charge lacks merit, charging party has opportunity to withdraw – If it is determined that the charge lacks merit, the charging party is offered the opportunity to withdraw it. Should the charging party refuse to withdraw the charge, the Regional Director dismisses the charge, advising the charging party of its right to appeal the dismissal to the General Counsel.

If the charge has merit, the matter may be voluntarily adjusted – If the Regional Director determines that the charge has merit, all parties are afforded an opportunity to settle the matter by voluntary adjustment. It is the policy of this office to explore and encourage voluntary adjustment before proceeding with litigation before the Board and courts, which is both costly and time consuming. The Regional Director and members of the staff are always available to discuss adjustment of the case at any stage and will be pleased to receive and act promptly upon any suggestions or comments concerning settlements.

Voluntary adjustments after issuance of complaint – If settlement is not obtained, the Regional Director will issue a complaint which is the basis for litigating the matter before the Board and courts. However, issuance of a complaint does not mean that the matter cannot still be disposed of through voluntary adjustment by the parties. On the contrary, at any stage of the proceeding the Regional Director and staff will be pleased to render any assistance in arriving at an appropriate settlement, thereby eliminating the necessity of costly and time-consuming litigation.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Atlanta Landmarks, Inc. d/b/a The Fox Theatre

and

CASE NO. 10-CA-38922

TO: (Check One Box Only)²☐ REGIONAL DIRECTOR☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SECTIONS 102.14 AND 102.113 OF THE BOARD'S RULES AND REGULATIONS.

(REPRESENTATIVE INFORMATION)

NAME: _____

MAILING ADDRESS: _____

E-MAIL ADDRESS: _____

OFFICE TELEPHONE NUMBER: _____

CELL PHONE NUMBER: _____ FAX: _____

SIGNATURE: _____

(Please sign in ink.)

DATE: _____

² IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

National Labor Relations Board

NOTICE OF DESIGNATION OF REPRESENTATIVE AS AGENT FOR SERVICE OF DOCUMENTS

Atlanta Landmarks, Inc. d/b/a The Fox Theatre

CASE NO. 10-CA-38922

TO: Regional Director,

I, the undersigned party, hereby designate my representative, whose name and address appear below and who has entered an appearance on my behalf in this proceeding, as my agent to receive exclusive service of all documents and written communications relating to this proceeding, including complaints and decisions and orders, but not including charges, amended charges, subpoenas, directions of elections or notices of elections, and I authorize the National Labor Relations Board to serve all such documents only on said representative. This designation shall remain valid until a written revocation of it, signed by me, is filed with the Board.

Full name of party	Representative's name, address, zip code (<i>print or type</i>)	
Signature of party (<i>please sign in ink</i>)		
Title		
Date	Area Code Area Code	Telephone Number Fax Number

SETTLEMENT AGREEMENT

The purpose of this Settlement Agreement ("Agreement") is to resolve and settle all claims that were asserted in both a grievance that was filed by IATSE Local 927 (the "Union") on behalf of Robert Foreman on or about October 25, 2010, and an unfair labor practice charge that was filed by Mr. Foreman with the National Labor Relations Board ("NLRB") on or about April 12, 2011, in which Mr. Foreman complained that he was improperly removed from a work call for the "Sugarland" show and, thereafter, denied opportunities to work at the Fox Theatre in violation of the applicable collective bargaining agreement between the Union and the Fox Theatre and in violation of the National Labor Relations Act ("NLRA"). In consideration for the Union's and Mr. Foreman's agreement to withdraw the grievance and Mr. Foreman's agreement to request that the NLRB dismiss the unfair labor practice charge (NLRB Case No. 10-CA-38922), the Fox agrees to (1) pay Mr. Foreman the amount of \$271.51, which the parties agree represents the amount that Mr. Foreman claims he was denied as a consequence of his removal from the "Sugarland" work call, and (2) accept Mr. Foreman for future referrals for work calls pursuant to the terms of the applicable collective bargaining agreement between the Union and the Fox.

The Fox, the Union and Mr. Foreman acknowledge and agree that, in consummating this Settlement Agreement, they fully considered all of their respective rights and obligations under the collective bargaining agreement and the NLRA, including but not limited to Mr. Foreman's rights under Section 8 of the NLRA. This Settlement Agreement constitutes a full and complete settlement and resolution of Mr. Foreman's and the Union's claims under the collective bargaining agreement as well as Mr. Foreman's claims under the NLRA. Finally, the parties agree that this Settlement Agreement shall not be considered to establish a precedent in any future grievances filed under the collective bargaining agreement between the Union and the Fox Theatre.

Robert L. Foreman, III

Adina Erwin
Assistant General Manager
The Fox Theatre

Subj: MEMO TO FILE -- MAY 3 FOX OFFER
Date: 5/3/2011 1:47:42 P.M. Eastern Daylight Time
From: LOVETHATBOB@aol.com
To: LOVETHATBOB@aol.com

Rcvd this phone message from Peter today. Tues, 5/3/2011:

"What's up Bob, it's Peter, I just talked with the Fox, they want to drop everything, you don't have to sign anything, uh you can be put back to work, I just need to talk to you about it, so if that's your interest, in going back to work, give me a call-- as soon as possible. Bye."